



General Assembly

Substitute Bill No. 5473

February Session, 2018



AN ACT CONCERNING CAPTIVE AUDIENCE MEETINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2018*) (a) As used in this
2 section:

3 (1) "Employer" means a person engaged in business who has more
4 than one employee, including the state and any political subdivision of
5 the state;

6 (2) "Employee" means any person engaged in service to an employer
7 in a business of such employer;

8 (3) "Political matters" means matters relating to: Elections for
9 political office, political parties, legislation, regulation and the decision
10 to join or support any political party or political, civic, community,
11 fraternal or labor organization; and

12 (4) "Religious matters" means matters relating to religious affiliation
13 and practice and the decision to join or support any religious
14 organization or association.

15 (b) Except as provided in subsection (f) of this section, no employer,
16 or agent, representative or designee of such employer shall require an
17 employee to attend an employer-sponsored meeting with the

18 employer or its agent, representative or designee, the primary purpose
19 of which is to communicate the employer's opinion concerning
20 political or religious matters, except that an employer or its agent,
21 representative or designee may communicate to an employee any
22 information concerning political or religious matters that the employer
23 is required by law to communicate, but only to the extent of such legal
24 requirement.

25 (c) No employer, or agent, representative or designee of such
26 employer, shall discharge, discipline or penalize, or threaten to
27 discharge, discipline or penalize, any employee because the employee,
28 or a person acting on behalf of the employee, makes a good-faith
29 report, orally or in writing, of a violation or a suspected violation of
30 the provisions of this section. The provisions of this subsection shall
31 not apply when the employee knows that such report is false.

32 (d) Any employee who is discharged, disciplined or penalized in
33 violation of the provisions of this section may bring a civil action, not
34 later than ninety days after the date of the alleged violation, in the
35 superior court for the judicial district where the violation is alleged to
36 have occurred or where the employer has its principal office. The court
37 may award a prevailing employee all appropriate relief, including
38 rehiring or reinstatement of the employee to the employee's former
39 position, back pay and reestablishment of any employee benefits to
40 which the employee would otherwise have been eligible if such
41 violation had not occurred. The court shall award a prevailing
42 employee treble damages, together with reasonable attorney's fees and
43 costs.

44 (e) Nothing in this section shall be construed to limit an employee's
45 right to bring a common law cause of action against an employer for
46 wrongful termination or to diminish or impair the rights of a person
47 under any collective bargaining agreement.

48 (f) Nothing in this section shall prohibit: (1) A religious organization
49 from requiring its employees to attend a meeting sponsored by such

50 religious organization or to participate in any communications with
51 such religious organization or its agent, representative or designee, the
52 primary purpose of which is to communicate such religious
53 organization's religious beliefs, practices or tenets; (2) a political
54 organization from requiring its employees to attend a meeting
55 sponsored by such political organization or to participate in any
56 communications with such political organization or its agent,
57 representative or designee, the primary purpose of which is to
58 communicate such political organization's political tenets or purposes;
59 (3) an institution of higher education, or any agent, representative or
60 designee of such institution, from meeting with or participating in any
61 communications with its employees concerning political or religious
62 matters that are part of the regular coursework or any symposia or
63 academic program at such institution; (4) casual conversations
64 between employees, between an employee and an employer or
65 between an employee and an agent, representative or designee of an
66 employer, provided participation in such conversations is not required
67 and such conversations occur in the normal course of the employee's
68 duties; (5) an employer from discussing legislation, regulations,
69 executive orders or other government actions with an employee that
70 may directly impact the employer's business, how the employer's
71 business may be conducted or how an employee's work may be
72 performed; or (6) a requirement limited to the employer's managerial
73 and supervisory employees.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2018 | New section |

JUD *Joint Favorable Subst.*

LAB *Joint Favorable*